

ORDINANCE NO. 645

REGULATING PAWN BROKERS, SECOND HAND DEALERS, AND JUNK DEALERS
REQUIRING THE LICENSING OF THE: SAME AND THE KEEPING OF RECORDS
BY SAID OCCUPATION

Be it ordained by the City Council of the City of Lodi, as follows:

Section 1. Definitions.

Unless it is apparent from the context that another meaning is intended, the following words, when used in this chapter, shall have the meaning attached to them by this section:

Junk collector. The phrase "junk collector" is a person not having a fixed place of business in the city who goes from house to house or place to place gathering, collecting, buying, selling or otherwise dealing in rags, sacks, bottles, cans, paper, metal or any other articles commonly known as junk.

Junk dealer. The phrase "junk dealer" is a person having a fixed place of business in the city and engaged in conducting, managing or carrying on the business of buying, selling, or otherwise dealing in either at wholesale or retail, rags, sacks, bottles, cans, paper, metal or other articles commonly known as junk.

Pawnbroker. The word "pawnbroker" is a person engaged in conducting, managing, or carrying on the business of pawnbroking, or the business of loaning money for himself or any other person upon pawns or pledges, or the business of purchasing articles of personal property and reselling or agreeing to resell such articles to the vendors, or their assignees, at prices agreed upon at or before the time of such purchase.

Pawnshop. The word "pawnshop" is defined to be any room, store or place in which any business mentioned in the preceding paragraph is engaged in, carried on or conducted.

Secondhand dealer. The term "secondhand dealer" is a person engaged in conducting, managing or carrying on the business of buying, selling or otherwise dealing in secondhand goods, wares or merchandise; provided, however, that any person who is engaged

in the business of selling genuine antique articles which are purchased by such person directly from a wholesale dealer in such articles, or which are imported into the United States of America by such person, shall not be deemed to be a "secondhand dealer" by reason of engaging in such business.

Section 2. Permit--required.

It shall be unlawful for any person to engage in, conduct, manage or carry on the business of a pawnbroker, or the business of buying gold, silver or jewelry, or the business of a secondhand dealer, or the business of a junk dealer or junk collector without first applying for and receiving a permit therefor in writing from the Chief of Police.

Section 3. Same--Application generally.

Any person desiring to obtain a permit required by the preceding section shall file with the Chief of Police an application in writing therefor, signed by the applicant and specifying by street and number the place where such business is proposed to be conducted or carried on and the residence address of the applicant.

Section 4. Same--Fingerprints and photograph of applicant.

The fingerprints and a photograph of each applicant for a permit under this chapter shall be taken by the Chief of Police and affixed to the application to become a part thereof.

Section 5. Same--Not to issue to certain persons.

No permit required by this chapter shall be granted by the Chief of Police to any person who fails, refuses or neglects to comply with all laws and ordinances relating to and regulating the business for which such permit is sought, or to any person who has been convicted of an offense involving the theft of property.

Section 6. Same--Appeal from Chief's action on application.

If any person is aggrieved by any ruling of the Chief of Police upon any application filed pursuant to the provisions of this chapter, he may file a petition with the City Manager, setting

forth the full content of the application filed with the Chief of Police, the action taken thereon by the Chief of Police and the reasons why it is believed the Chief of Police acted improperly or failed to act properly.

The City Manager shall within not less than five days from the date on which such appeal is filed with him hear the appellant and his witnesses and shall determine the same. The ruling of the City Manager thereon shall be final.

Section 7. ~~Same~~--To be posted.

A copy of the permit issued by the Chief of Police under this chapter, to which shall be affixed a copy of the photograph referred to in Section 4 of this Code, shall be kept conspicuously posted in the place of business of every pawnbroker, secondhand dealer, junk dealer and gold, silver and jewelry buyer.

Section 8. Revocation.

In the event that any person holding a permit under this chapter violates or causes to be violated any provision of this chapter or any provision of any other ordinance or of any law relating to or regulating any such business, the Chief of Police shall revoke the permit and, in such event, no further permit shall be granted to any such person within twelve months after such revocation. Before any permit shall be revoked, the Chief of Police shall direct a registered letter to the permittee at the address given on the permit, stating that the permit shall become null and void on and after the fifth day from the date on which the letter is deposited in the United States Post Office in the city. Such permit shall become null and void on the date named in accordance with the provisions herein.

Section 9. Purchases ^{be} to/kept intact for twenty-one days.

It shall be unlawful for any person conducting or carrying on any business named in Section 2 of this Ordinance, or for any agent or employee of any such person, to alter, deface, sell or otherwise dispose of any article or thing within twenty-one days after such article or thing has been received or purchased by such person.

Section 10. Storage of goods.

All goods and articles purchased or received for pawn, pledge or deposit shall be, until sold or disposed of, kept in separate containers on the outside of which is written in ink the number corresponding to the number of the report made in accord with section 12 of this Ordinance and the date of purchase.

Section 11. Record to be kept.

Every person required to have a permit under this chapter shall keep a complete record and description of all goods, wares, merchandise or things pledged to or purchased or received by him, which record shall contain all information required by section 12 of this Ordinance. Such record shall be open at all times during business hours to the inspection of the chief of police or any police officer of the city.

Section 12. Weekly report to police.

Every person required to have a permit under this chapter shall, on each Thursday before the hour of 10:00 A. M., make out and deliver or cause to be delivered to the Chief of Police or his representative, on a blank numbered form to be obtained from the police department for that purpose, a full, true, and complete report of all goods, wares, merchandise or things received on deposit, pledged or purchased, including the date and the time of day when each article was received on deposit, pledged or purchased and the true name and address, as nearly as the same is known or can be ascertained, of the person by whom such article was left on deposit, pledged or sold, together with a description of such person. Such report shall show the number of the pawn ticket, the amount loaned, the amount purchased and a complete description of each article left on deposit, pledged or purchased. If any article so left on deposit, pledged or purchased has engraved thereon or affixed thereto any number, word or initial, or contains any setting of any kind, the description of such article in such report shall contain such number, word or initial, and shall show the kind of settings and the number of each kind.

Section 13. Transactions with minors prohibited.

It shall be unlawful ~~for~~ any person holding a permit issued under this chapter to buy from or loan money to, upon a pawn or pledge, ~~or~~ to receive as a deposit, goods, wares or merchandise from any person under the age of twenty-one years.

Section 14. Disposition ~~of~~ stolen property.

In all cases where a claim is made to property pawned with or sold to a person holding a permit issued pursuant to this chapter, by a person claiming to be the owner thereof and asserting that the property was stolen, the Chief ~~of~~ Police shall, after a hearing upon notice, determine the validity of such claim and the immediate disposition which should be made as to the possession ~~of~~ the claimed property. If the Chief ~~of~~ Police determines that such property was stolen, that the claimant is the owner thereof, and that there is no collusion between the claimant and the person by whom such property was stolen, the Chief ~~of~~ Police shall direct that such ~~property~~ be returned forthwith to the claimant without compensation ~~of~~ any kind being paid therefor. In the event such direction is disobeyed, the permit may be revoked or suspended by the Chief ~~of~~ Police without further hearing.

The Chief of Police may designate any member ~~of~~ the police department to hear the evidence at ~~any~~ or all hearings that ~~may~~ be held under this section and to report his findings thereon to the Chief ~~of~~ Police. In all cases, the Chief of Police shall determine the disposition ~~of~~ the property.

~~If~~, prior to the determination by the Chief of Police upon any ~~claim~~ made hereunder, an action at law is brought by or against the person ~~in~~ possession ~~of~~ the property to establish the ownership ~~of~~, ~~or~~ the right to possession ~~of~~ the property, the Chief of Police shall, upon notice thereof, suspend proceedings upon the claim.

Section 15. Exemptions from chapter.

The provisions contained in sections 9 to 12 ~~of~~ this Ordinance shall not be deemed to apply to the purchase or sale by junk dealers or junk collectors ~~of~~ rags, bottles (other than milk or cream

bottles) , barrels, books , cans, shoes, secondhand sacks or bags (other than cement sacks or bags), lamps, stoves, household furniture (other than sewing machines and musical instruments), or scrap metals when bought and sold for scrap; or to the purchase or sale by secondhand dealers of household furniture (other than musical instruments) or books or to the purchase or sale of sacks, bags or rags (other than cement sacks or bags); or to the collection of such articles by religious, charitable or educational organizations operating under the terms of Chapter 10 of this Ordinance or to the purchase or sale of any motor vehicle, trailer or semi-trailer which has been registered in the State as required by law.


Section 16.

Ordinance No. 237 and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 17.

This ordinance shall be published one time in the "Lodi News-Sentinel" and shall be in full force and take effect thirty days from and after its passage and approval.

Approved this 3rd day of June, 1959.


FRED M. BROWN, Mayor

Attest: 
BEATRICE GARIBALDI, City Clerk

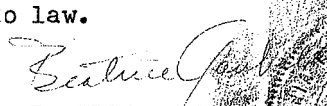
I, BEATRICE GARIBALDI, City Clerk of the City of Lodi and ex officio Clerk of the City Council of said City, do hereby certify that Ordinance No. 645 was introduced at a regular meeting of the City Council held May-20, 1959 and was thereafter passed, adopted and ordered to print at a regular meeting held June 3, 1959, by the following vote:

Ayes : Councilmen - Katzakian, Mitchell, Robinson
and Brown

Noes : Councilmen - None

Absent: Councilmen - Culbertson

I further certify that Ordinance No. 645 was approved and
signed by the Mayor on the date of its passage and that the
same has been published pursuant to law.


BEATRICE GARIBALDI
City Clerk

